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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,601	02/10/2004	Brent L. Hild	47097-01249USPT	1780
	28763 7590 01/24/2008 BAKER BOTTS L.L.P.		EXAMINER	
30 ROCKEFELLER PLAZA		•	TAWFIK, SAMEH	
44th Floor NEW YORK, N	NY 10112-4498	*	ART UNIT	PAPER NUMBER
			. 3721	
			<del></del>	T
		•	NOTIFICATION DATE	DELIVERY MODE
		* ·	01/24/2008	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DLNYDocket@bakerbotts.com

Advisory Action				
Before the Filing of an Appeal Brief				

Application No.	Applicant(s)	
10/775,601	HILD ET AL.	
Examiner	Art Unit	
Sameh H. Tawfik	3721	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

• • • • • • • • • • • • • • • • • • • •	
THE REPLY FILED <u>28 December 2007</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANC	E.
1.  The reply was filed after a final rejection, but prior to or on the s ame day as filing a Notice of Appeal. To avoin this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other explaces the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed we have a filed with the reply must be filed with the re	vidence, which 37 CFR 41.31; or
following time periods:	vicinit one of the
a) The period for reply expiresmonths from the mailing date of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.	ection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WMONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).	
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the applean filed is the date for purposes of determining experiod of extension and the corresponding amount of the fee. The appropriat CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office a above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if tine earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL	te extension fee under 37 action; or <b>(2)t a</b> srth in (b)
2. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two r	months of the date
of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissince a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 4	ssal of the appeal.
<u>AMENDMENTS</u> 3.	rered herause
(a) They raise new issues that would require further consideration and/or search (see NOTE below);	crea because
(b) They raise the issue of new matter (see NOTE below);	
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplif appeal; and/or	lying the issues for
(d) They present additional claims without canceling a corresponding number of finally rejected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)).	(DTO)
4. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amend	ment (PTOL-324).
<ul> <li>5. Applicant's reply has overcome the following rejection(s):</li> <li>6. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed ame</li> </ul>	endment canceling
the non-allowable claim(s).	shament canceling
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered an how the new or amended claims would be rejected is provided below or appended.	nd an explanation of
The status of the claim(s) is (or will be) as follows:	
Claim(s) allowed: <u>None</u> . Claim(s) objected to: <u>None</u> .	
Claim(s) rejected: 20-42,71 and 72.	
Claim(s) withdrawn from consideration: <u>1-19 and 43-70</u> .	
AFFIDAVIT OR OTHER EVIDENCE	
8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal vecause applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evide and was not earlier presented. See 37 CFR 1.116(e).	ence is nec essary
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appella showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.3	ant fails to provide a
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or REQUEST FOR RECONSIDERATION/OTHER	attached.
11. The request for reconsideration has been considered but does NOT place the application in condition for a See Continuation Sheet.	ill owance because:
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s).	
13. Other:	
Sameh H. Tar	

Sameh H. Tawfik Primary Examiner Art Unit: 3721 Continuation of 11. does NOT place the application in condition for allowance because: the examiner maintains that the applied references of Schrenk in view of Chisholm disclose the claimed invention as been disclosed on the previous action. Further, the examiner maintains that the step of "distributing the fibers inside of the film" is clearly disclosed by Schrenk '958 as the fiber clearly been dispensed through opening 34 after been heated (melt), see column 2, lines 10-12. Note that applicants arguments of separating the fibers and fluidized in an air stream and supported by referring to the specifications paragraphs 84 -86 is not clearly claimed on the claim language, it is believed that applicants arguing of something not claimed. Further, the examiner maintains that the applied reference of Chisholm '922 discloses the claimed step of the precut fibers inside of a film bubble as clearly shown in Figs. 1 and 3via cutted fibers 14' and 34'; it is inherent that short lengths fibers must have been cutted from long lengthes once.